

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-44633

STEPHEN R. GARZA, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On February 20, 2009, Debtor filed a voluntary petition for relief under Chapter 7. On February 25, 2009, Debtor filed a "Certificate of Counseling" (Docket # 13), which states that on February 24, 2009, Debtor received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111."

Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor only received credit counseling *after* his petition was filed. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain credit counseling *before* filing a bankruptcy petition.

Accordingly,

IT IS ORDERED that this case is DISMISSED.

Signed on February 26, 2009

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge